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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)
11) No. CR 12- 000705-YGR
Plaintiff,)
12) STIPULATION AND ~~PROPOSED~~
13 vs.) ORDER TO CONTINUE HEARING DATE
14) TO FEBRUARY 21, 2013 AND TO
ALONZO JUAN HERNANDEZ,) EXCLUDE TIME UNDER THE SPEEDY
15) TRIAL ACT
Defendant.)
16) Date: January 10, 2013
Time: 2:00 p.m.

17 The above-captioned matter is set on January 10, 2013 before this Court for a status
18 hearing. The parties jointly request that the Court continue the matter to February 21, 2013, at
19 2:00 p.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161,
20 between January 10, 2013 and February 21, 2013, so that the defense can have more time to
21 assess the discovery in this case, to investigate and research a potential motion to suppress and to
22 collect prior conviction records.

23 On September 27, 2012, the Grand Jury charged Alonzo Juan Hernandez in two counts:
24 (1) possession with the intent to distribute methamphetamine, a violation of 21 U.S.C. §
25 841(a)(1); and (2) felon in possession of a firearm, a violation of 18 U.S.C. § 922(g). Mr.
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1 Hernandez faces a maximum sentence of 20 years imprisonment on the first and most serious
2 charge. A Superseding Indictment is expected later this week that will raise the statutory
3 maximum, mandatory minimum, and the Sentencing Guidelines.

4 On October 15, 2012, Mr. Hernandez appeared before the magistrate court and was
5 arraigned on the Indictment. The magistrate court appointed the Federal Public Defender to
6 represent him and John Paul Reichmuth was assigned to his case. In early December, the
7 Federal Defender reassigned this case to Angela Hansen because Mr. Reichmuth is out on
8 personal family leave.

9 The parties are discussing plea negotiations and anticipate that this case may resolve
10 short of trial. In the meantime, however, the defense requests that the Court continue this matter
11 because new counsel needs additional time to review the discovery, to meet with Mr. Hernandez
12 and to investigate the case to determine whether there is a sufficient legal and factual basis to
13 present the Court with a motion to suppress. Additionally, the defense needs additional time to
14 continue to collect records and to research and assess the Guidelines and Mr. Hernandez's
15 criminal history category. For these reasons, the defense requests additional time to prepare, and
16 the parties agree that it is appropriate to continue this case until February 21, 2013.

17 The parties stipulate and agree that the ends of justice served by this continuance
18 outweigh the best interest of the public and the defendant in a speedy trial. The parties further
19 agree that the failure to grant this continuance would unreasonably deny counsel for defendant
20 the reasonable time necessary for effective preparation, taking into account the exercise of due
21 diligence. Accordingly, the parties agree that the period of time from January 7, 2013 until
22 February 21, 2013, should be excluded in accordance with the provisions of the Speedy Trial
23 Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking
24 into account the exercise of due diligence.

1 DATED: January 7, 2013

_____/S/
JAMES C. MANN
Assistant United States Attorney

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3 DATED: January 7, 2013

_____/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

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1 **ORDER**

2 Based on the reasons provided in the stipulation of the parties above, the Court hereby
3 FINDS:

4 1. Given that the Federal Defender recently reassigned this case to new defense
5 counsel;

6 2. Given a Superseding Indictment is expected this week that will raise the statutory
7 maximum, mandatory minimum, and the Sentencing Guidelines;

8 3. Given that the defense needs additional time to investigate and to research a
9 potential motion to suppress;

10 4. Given that the defense needs additional time to collect records and to research and
11 assess the Guidelines and defendant's criminal history category;

12 5. Given that these above-listed tasks are necessary for the defense preparation of
13 the case and that the failure to grant the requested continuance would unreasonably deny counsel
14 for defendant the reasonable time necessary for effective preparation, taking into account the
15 exercise of due diligence; and

16 6. Given that the ends of justice served by this continuance outweigh the best
17 interest of the public and defendant in a speedy trial;

18 Based on these findings, IT IS HEREBY ORDERED that the STATUS date of January
19 10, 2013, scheduled at 2:00 p.m., is vacated and reset for February 21, 2013 at 2:00 p.m. It is
20 FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §
21 3161(h)(7)(A) and (B)(iv), from January 10, 2013 until February 21, 2013.

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23 DATED: January 8, 2013

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YVONNE GONZALEZ ROGERS
United States District Judge